

Recent Changes in Campaign Finance Laws that Effect Municipal Candidates in the May 2005 Election

CANDIDATE REGISTRATION REQUIREMENTS

The law now gives an individual 10 days from the day he or she is deemed to have become a candidate in which to file a Registration of Candidate Committee (Form ED-49) or a Certification of Exemption from forming a Candidate Committee (Form B-4) with the Town Clerk. An individual is deemed to have become a candidate on the day of either a) receiving a party's endorsement, b) qualifying for name placement place on the ballot, or c) a contribution is first solicited or received, or an expenditure made, to bring about the individual's nomination or election. A candidate may file the Certification of Exemption from forming a Candidate Committee if any of the following applies:

- a) The candidate is a member of a slate of candidates funded by a party committee or a political committee (known as a PAC) formed for a single election or primary whose expenditures are reported by the sponsoring committee; or
- b) The candidate's campaign is entirely funded from personal funds (except if the candidate spends in excess of \$1,000, the candidate must file disclosure statements in the manner as a candidate committee); or
- c) The candidate is not receiving or spending more than \$1,000; or
- d) The candidate does not intend to receive or expend any funds. (P.A. 03-223 and P.A. 02-130)

REPORTING DEADLINES

The law changed to set the 7th day of January, April, July and October as the quarterly filing deadline dates rather than the floating "second Thursday" dates. If a reporting deadline falls on a Saturday, Sunday, or legal holiday, the statement is due on the following business day. It eliminates the candidate committee filing due 45 days after an election for November elections, but specifies that the January 7 report replaces it and sets January 31st as the deadline for distributing a committee surplus after the November election. The post election filing dates remain the same for May elections. (P.A. 03-223)

CREDIT CARD OR DEBIT CARD PAYMENTS

The law now permits a candidate committee to make expenditures using a debit card or a credit card. Treasurers of candidate committees must retain debit or credit card slips with their other internal records. (P.A. 03-241 §61, amending 9-333i(e), (f), (g), and P. A. 491 § 1, amending 9-333i(e) and (f))

SOLICITATION

The bill bans municipal employees from soliciting donations from persons that they supervise, or the spouses and dependent children of supervised employees, to benefit (1) the campaigns of any candidate for state, district, or municipal office or (2) any political party. Current law prohibits a head or deputy head of a state department from soliciting campaign contributions from any other person. (P.A. 03-241 §66, amending 9-333x)

SOLICITORS AND TREASURER TIMELINES

Requires that a **solicitor** shall turn over to the treasurer all receipts within seven days. Previously it was ten days. (P.A. 03-223 §1, amending 9-333h(c))

Requires that a **treasurer** deposit funds received within fourteen days. Previously it was seven days. (P.A. 04-112 §1, amending 9-333h(a))

DISCLOSURE OF MUNICIPAL CONTRACTS BY CANDIDATES FOR CHIEF EXECUTIVE OFFICER (FIRST SELECTMAN, MAYOR, ETC.)

The treasurer of any candidate for the office of chief executive officer of a town, city, or borough must report in the candidate's campaign finance statements whether a contributor of more than \$400 in total to the campaign has a contract with the municipality valued at more than \$5,000 or is associated with a business that does.

Any individual who makes a contribution or contributions of more than \$400 must provide the contract information total at the time the contribution is made. A campaign treasurer is prohibited from depositing the contribution unless the treasurer has this information. If the contributor fails to provide the information, the campaign treasurer must request it by certified mail, return receipt requested, within three business days of receiving the contribution. If the contributor does not provide the information within 14 days after a treasurer's written request or by the end of the reporting period for the contribution, whichever is later, the treasurer must return the money. It is highly recommended that these candidate committees include a request for such contractual information on any donor solicitation material.

As before the law allows an individual can contribute up to \$1,000 to a candidate for the office of chief executive officer (First Selectman, Mayor). (P.A. 02-130)

EXTENSION OF THE BAN ON THE USE OF PUBLIC FUNDS

The new law extended the prohibition on the use of public funds by state and municipal officials and employees with respect to promotional campaigns or advertisements featuring a candidate for public office on advertisements appearing in movie theaters, billboards or bus posters. The old ban only applied to an advertisement or promotion that featured a candidate's name, face, or voice appearing on television, radio, newspapers, and magazines. The restriction is in effect during the five months immediately preceding the election. (P.A. 03-241 §63, amending 9-333l(d))

CAMPAIGN FUNDRAISERS

A political committee established by two or more candidate committees for a joint fundraising event is now required to distribute the event's proceeds to the candidate committees within 14 days after the event. (P.A. 03-223 §8, amending 9-333l(a))

The treasurer is no longer required to disclose the name of the Chief Executive Officer of a business entity purchasing advertising space in a program book at a fundraiser. (P.A. 03-223 §4, amending 9-333j(c))